

AFFIDAVIT OF SERVICE

Index #: 08 Civ. 1034 (SAS)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: _____

Date Filed: _____

Court Date: _____

COUNTY

ATTORNEY(S): : COVINGTON & BURLING LLP PH: 212-841-1000

ADDRESS: 620 EIGHTH AVENUE NEW YORK NY 10018 File No.:

DAVID FLOYD, LALIT CLARKSON, and DEON DENNIS, individually and on behalf of a class of all others

vs.

THE CITY OF NEW YORK, et al.,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

HARRY TORRES

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years

of age and resides in New York State. On July 29, 2008 at 3:00 PM

at New York City Police Department, 28th Precinct 2271 8th Avenue New York, NY 10027, deponent served the within

Summons In A Civil Case, Confidential Unredacted Amended Complaint Filed Under Seal, Individual Rules and Procedures Judge Shira A. Scheindlin, Honorable Shira A. Scheindlin Suggested Rules of Discovery Practice and Electronic Case Filing Rules & Instructions

with Index Number 08 Civ. 1034 (SAS), and Date Purchased _____ endorsed thereon,

on: **Police Officer Michael Cousin Hayes Shield No. 03487**, **Defendant** therein named.#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☐ By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.*Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to Police Officer Morales - Co-Worker a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.#5 MAIL COPY ☒ On July 31, 2008, deponent completed service under the last two sections by depositing a copy of the Above Documents to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: _____#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
Sex Male Color of skin Tan Color of hair Black Age 21 - 35 Yrs. Height 5' 9" - 6' 0"
(use with #1, 2 or 3) Weight 161 - 200 Lbs. Other Features: _____#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.#9 MILITARY SRVC ☒ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.#10 OTHER ☐

Sworn to before me on this 1 day of August, 2008

BARBARA A. SHURGIN
NOTARY PUBLIC, State of New York
No. 30-5004737, Qualified in Nassau County
Commission Expires November 23, 2010HARRY TORRES
Server's Lic # 0915257

Invoice•Work Order # 0834305

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
**DAVID FLOYD, LALIT CLARKSON, and
DEON DENNIS, individually and on behalf of a class
of all others similarly situated,**

Plaintiffs,

v.

CASE No. 08 Civ. 1034 (SAS)

**THE CITY OF NEW YORK; NEW YORK CITY
POLICE COMMISSIONER RAYMOND KELLY,
in his individual and official capacity; MAYOR
MICHAEL BLOOMBERG, in his individual and
official capacity; NEW YORK CITY POLICE
OFFICER RODRIGUEZ, in his individual capacity;
NEW YORK CITY POLICE OFFICER
GOODMAN, in his individual capacity; NEW YORK
CITY POLICE OFFICER JANE DOE, in her
individual capacity; NEW YORK CITY POLICE
OFFICER HERNANDEZ, Shield #15957, in his
individual capacity; NEW YORK CITY POLICE
OFFICER JOYCE, Shield #31274, in his individual
capacity; NEW YORK CITY POLICE OFFICER
KELLY, Shield #34759, in his individual capacity;
NEW YORK CITY POLICE OFFICER JOHN DOE
#1, in his individual capacity; NEW YORK CITY
POLICE OFFICER JOHN DOE #2, in his individual
capacity; NEW YORK CITY POLICE OFFICER
POPICHURDO, in his individual capacity; NEW
YORK CITY POLICE OFFICER SALERNO, Shield
7116, in his individual capacity; NEW YORK
CITY POLICE OFFICER HAYES, in his individual
capacity;**

Defendants.
-----X

SUMMONS IN A CIVIL CASE

TO: (Name and address of defendant)

Police Officer Michael Cousin Hayes
Shield No. 03487
New York City Police Department, 28th Precinct
2271 8th Avenue
New York, NY 10027

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address):

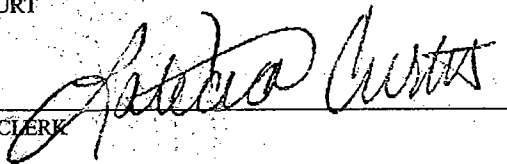
Andrea Costello
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK OF COURT

(BY) DEPUTY CLERK



APR 15 2008

DATE